

Message Text

CONFIDENTIAL

PAGE 01 BONN 00654 01 OF 05 122010Z
ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00
CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 ACDA-07 TRSE-00 SAJ-01 OMB-01
IO-13 SCA-01 VO-03 EB-07 /085 W
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O R 122000Z JAN 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 4656
USMISSION NATO BRUSSELS
INFO AMEMBASSY BERLIN
USMISSION USBERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 05 BONN 00654

E.O. 11652: GDS
TAGS: PFOR PGOV EB WB GE GW US UK UR FR
SUBJECT: NATO BRIEFING ON RECENT GDR MEASURES

REFS: (A) STATE 5257; (B) BONN 482; (C) USNATO 89

BEGIN SUMMARY. THE BONN GROUP HAS REACHED AD REF
AGREEMENT ON A TEXT FOR BRIEFING NATO ON THE ALLIED
RESPONSE TO RECENT GDR MEASURES AND STATEMENTS. ACTION
REQUESTED: DEPARTMENT'S APPROVAL OF AD REF TEXT.
END SUMMARY.

1. THE BONN GROUP REACHED AD REF AGREEMENT ON JANUARY 12
TO THE TEXT OF A BRIEFING WHICH MIGHT BE
PRESENTED TO NATO ALLIES AS SOON AS IT HAS BEEN
APPROVED BY ALL FOUR CAPITALS. THIS IS NOT LIKELY TO
BE BEFORE NEXT WEEK, AND THE BONN GROUP UNDERFYNDS
INFORMALLY THAT THEIR NATO COLLEAGUES HAVE AGREED THAT
CONFIDENTIAL

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PAGE 02 BONN 00654 01 OF 05 122010Z

THE BRIEFING SHOULD BE PRESENTED BY THE UK PERMREP,
AS THE BRITISH ARE IN THE CHAIR IN BERLIN.

2. AFTER REFLECTION ON THE US PROPOSAL, THE BONN GROUP
DECIDED IT WOULD BE PREFERABLE TO LIMIT THIS BRIEFING
TO THE GDR ACTIONS AND STATEMENTS WHICH WERE THE SUBJECT
OF THE ALLIED STATEMENT OF JANUARY 6 AND PROTESTS

DELIVERED IN MOSCOW ON JANUARY 11. BOTH AS A MATTER OF DRAFTING, AND BECAUSE OF THE QUALITATIVE DIFFERENCE IN THE TRANSIT INCIDENTS WHICH ARE ALSO BEING PROTESTED TO THE SOVIETS, THERE WAS A BELIEF THAT THE LATTER SHOULD NOT BE INCLUDED AND THAT WE SHOULD CONCENTRATE ON THE STATUS IMPLICATIONS. ON ACCESS MATTERS, THERE IS LITTLE TO ADD TO THE BRIEFING GIVEN NATO IN SEPTEMBER AFTER THE STERNFAHRT INCIDENT.

3. THE LENGTHIEST PORTION OF THE BONN GROUP DISCUSSION FOCUSED ON A SUITABLE FINAL PARAGRAPH. THE INITIAL UK DRAFT CONTAINED LANGUAGE ABOUT TAKING ACCOUNT IN BILATERAL RELATIONS WITH THE GDR OF ANY DISTURBANCE OF THE STATUS QUO WHICH THE GDR MIGHT BE ATTEMPTING AND TAKING ADVANTAGE OF THE WIDER SOVIET INTERESTS IN DETENTE. THE FRG REP ARGUED FOR THE RETENTION OF SUCH LANGUAGE, WHEREAS THE US AND FRENCH REPS OPPOSED IT. US REP POINTED OUT THAT THE US HAD CONSISTENTLY ARGUED FOR INCLUSION OF SUCH LANGUAGE IN THE PROTEST ITSELF AND HAD ALSO ASKED THE OPINIONS OF OTHERS ON THE POSSIBILITY OF TAKING COUNTERMEASURES. BUT SINCE NO AGREEMENTS HAD BEEN REACHED IN THAT REGARD, IT SEEMED HOLLOW TO IMPLY MORE TO OUR NATO ALLIES THAN HAD ACTUALLY BEEN DECIDED. WHILE RECOGNIZING THAT THERE MIGHT BE SOME FALLOUT IN BILATERAL RELATIONS, US AND FRENCH REPS OPPOSED USING THE PRESENT ASSESSMENT AS A VEHICLE FOR ATTEMPTING TO OBTAIN POLICY DECISIONS IN THAT REGARD.

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PAGE 03 BONN 00654 01 OF 05 122010Z

4. THE DECISION OF THE BONN GROUP WAS TO RECOMMEND THE RATHER BLAND FINAL PARAGRAPH AS IT APPEARS IN THE DRAFT BELOW, WITH THE UK REP RECOMMENDING THAT THE UK PERMREP TO NATO MIGHT ADD ORALLY, IF ASKED IN THE NAC WHAT THE ALLIES PROPOSED TO DO ABOUT RECENT MEASURES, THAT THEY DID NOT EXCLUDE THE POSSIBILITY THAT THERE WOULD BE AN EFFECT ON BILATERAL RELATIONS.

5. FOLLOWING IS THE AD REF TEXT:

BEGIN TEXT

ATTEMPTS TO CHANGE THE STATUS OF BERLIN AND THE ALLIED PROTEST OF 11 JANUARY 1977

THE EVENTS

1. SHORTLY BEFORE 1 JANUARY 1977 THE GOVERNMENT OF THE

GDR ANNOUNCED THAT FROM THAT DAY FOREIGNERS ENTERING

CONFIDENTIAL

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PAGE 01 BONN 00654 02 OF 05 122014Z
ACTION EUR-12

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CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05
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AMEMBASSY MOSCOW
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C O N F I D E N T I A L SECTION 02 OF 05 BONN 00654

THE "CAPITAL OF THE GDR" (THE EASTERN SECTOR OF
BERLIN) WOULD REQUIRE A VISA COSTING DM 5. CERTAIN
EMBASSIES TO THE GDR WERE TOLD THAT, APART FROM
MILITARY PERSONNEL OF THE THREE ALLIES, THE FOLLOWING
WOULD BE EXEMPTED FROM THE NEW REGULATIONS:

A. CITIZENS OF COUNTRIES WITH FORMAL AGREEMENTS
WITH THE GDR ON ABOLITION OF VISAS;

B. DIPLOMATS ACCREDITED TO THE GDR AND THEIR
EMBASSY PERSONNEL;

C. MEMBERS OF MILITARY MISSIONS IN WEST
BERLIN;

D. TOURISTS TRAVELLING IN GROUPS FOR WHOM
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PAGE 02 BONN 00654 02 OF 05 122014Z

ARRANGEMENTS HAVE BEEN MADE THROUGH THEIR
TOURIST AGENCY.

2. THE MFA OF THE GDR ISSUED ON 31 DECEMBER A STATEMENT POINTING OUT THAT CITIZENS OF THE FEDERAL REPUBLIC AND WEST BERLINERS HAD FOR YEARS NEEDED A VISA FOR TRAVEL TO THE "CAPITAL OF THE GDR." THE NEW REGULATION INTRODUCED THE SAME PRACTICE FOR CITIZENS OF OTHER STATES MAKING DAY VISITS. THESE MEASURES REPRESENTED A ROUTINE MOVE WHICH TOOK ACCOUNT OF THE REQUIREMENTS OF TOURIST TRAFFIC AND VISITORS TO THE "CAPITAL" WHICH HAD STEADILY GROWN IN RECENT YEARS. THE STATEMENT THEN REFERRED TO ASSERTIONS FROM CERTAIN CIRCLES AND THE WESTERN MASS MEDIA THAT SOME SUPPOSED "FOUR-POWER STATUS" MIGHT BE AFFECTED. THESE WERE WITHOUT FOUNDATION. AS WAS WELL KNOWN, SINCE THE FOUNDING OF THE GDR, BERLIN HAD BEEN AN INTEGRAL PART OF AND CAPITAL OF THE GDR. IT WAS WELL ENOUGH KNOWN THAT SINCE THAT TIME A "FOUR-POWER STATUS" NO LONGER EXISTED. THE QUADRIPARTITE AGREEMENT OF 3 SEPTEMBER 1971 SOLELY REGULATED MATTERS AFFECTING WEST BERLIN. FINALLY THE STATEMENT SAID THAT IT WAS SOLELY A SOVEREIGN MATTER FOR THE RESPONSIBLE ORGANS OF THE GDR GOVERNMENT TO ENACT THE NECESSARY REGULATIONS FOR TOURIST TRAFFIC IN THE GDR, INCLUDING "THE CAPITAL, BERLIN." EFFORTS BY CERTAIN CIRCLES TO ASSERT OTHERWISE MUST BE SEEN AS INTERFERENCE IN THE INTERNAL AFFAIRS OF THE GDR AND AN ATTACK ON HER SOVEREIGNTY. THESE ATTACKS ALSO STOOD IN DIRECT CONTRADICTION TO EXISTING AGREEMENTS AND THE FINAL ACT OF HELSINKI AND THEREFORE WERE LEVELLED AGAINST DETENTE AND THE NORMALIZATION OF RELATIONS.

3. IN THE FIRST DAYS OF JANUARY IT BECAME APPARENT THAT THE EAST GERMANS WERE REMOVING CHECKPOINTS (USED IN RECENT YEARS FOR VISA CONTROL PURPOSES) ON
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BONN 00654 02 OF 05 122014Z

ROADS BETWEEN EAST BERLIN AND THE TERRITORY OF THE GDR. SUBSEQUENT OBSERVATION CONFIRMED THAT REMOVAL WAS COMPLETE.

4. IN VIEW OF THE IMPLICATION OF THESE EVENTS, AND OF OTHERS WHICH ATTRACTED LESS PUBLIC ATTENTION, FOR THE STATUS OF BERLIN (SEE ANALYSIS BELOW), THE ALLIES, IN CLOSE CONSULTATION WITH THE GOVERNMENT OF

THE FRG, ISSUED A PRESS STATEMENT ON 6 JANUARY AND PROTESTED TO THE RUSSIANS AT DEPUTY CHIEF OF MISSION LEVEL IN MOSCOW ON 11 JANUARY. THE PRESS STATEMENT (TEXT ANNEXED) DESCRIBED THE PURPOSE OF RECENT GDR MEASURES AND STATEMENTS AS BEING TO GIVE THE IMPRESSION THAT THE GDR COULD BY UNILATERAL ACTION CHANGE THE STATUS OF GREATER BERLIN IN VIOLATION OF THE QA, WHICH APPLIED TO THE WHOLE OF THE CITY. THE ALLIED PROTEST MADE THE FOLLOWING POINTS:

(I) THE STATUS OF GREATER BERLIN STEMS FROM THE ORIGINAL RIGHTS AND RESPONSIBILITIES OF THE FOUR POWERS. QUADRIPARTITE WARTIME AND POSTWAR AGREEMENTS AND DECISIONS BASED ON THESE RIGHTS AND RESPONSIBILITIES STIPULATED THAT GREATER BERLIN WAS TO BE A SPECIAL AREA UNDER THE JOINT AUTHORITY OF THE FOUR POWERS ENTIRELY DISTINCT FROM THE SOVIET ZONE OF OCCUPATION IN GERMANY.

(II) ANY CHANGE IN THE STATUS OF GREATER BERLIN AS REFLECTED IN THESE AGREEMENTS AND DECISIONS WOULD REQUIRE THE AGREEMENT OF ALL FOUR POWERS. NO SUCH AGREEMENT ALTERING THE STATUS OF BERLIN OR PROVIDING FOR A SPECIAL STATUS FOR ANY OF ITS SECTORS HAS BEEN CONCLUDED. NO UNILATERAL STEPS TAKEN IN

CONFIDENTIAL

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CONFIDENTIAL

PAGE 01 BONN 00654 03 OF 05 122018Z
ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00
CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 ACDA-07 TRSE-00 SAJ-01 OMB-01
IO-13 SCA-01 VO-03 EB-07 /085 W
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USMISSION USBERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 03 OF 05 BONN 00654

VIOLATION OF THE QUADRIPARTITE AGREEMENTS AND DECISIONS RELATING TO GREATER BERLIN, NOR THE FACT THAT THE SEAT OF GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC IS CURRENTLY LOCATED IN THE EASTERN SECTOR OF THE CITY, CAN IMPLY THAT THE QUADRIPARTITE RIGHTS AND RESPONSIBILITIES RELATING TO ALL SECTORS OF BERLIN, INCLUDING THE EASTERN SECTOR, ARE IN ANY WAY AFFECTED OR THAT THERE EXISTS A STATE FRONTIER BETWEEN THE EASTERN SECTOR AND THE WESTERN SECTORS OF BERLIN.

(III) THE 1971 QUADRIPARTITE AGREEMENT WAS EXPLICITLY CONCLUDED ON THE BASIS THAT THE QUADRIPARTITE RIGHTS AND RESPONSIBILITIES AND THE CORRESPONDING WARTIME WAR AGREEMENTS AND DECISIONS OF THE FOUR POWERS ARE NOT AFFECTED.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 00654 03 OF 05 122018Z

(IV) INsofar AS THE ASSERTIONS MADE BY THE AUTHORITIES OF THE GDR AND THE ACTIONS TAKEN BY THEM PURPORT TO CHANGE THE STATUS OF GREATER BERLIN, THEY CONSTITUTE A VIOLATION OF THE QA. THIS AGREEMENT, WHICH APPLIES TO THE WHOLE OF BERLIN, CAN FUNCTION ONLY IF IT IS RESPECTED IN ALL PARTS OF THE CITY.

THE ALLIES ALSO POINTED OUT THAT, WHILE CONTINUING TO EXERCISE THEIR FULL RIGHTS AND FULLY TO DISCHARGE THEIR OWN RESPONSIBILITIES IN BERLIN, THEY HELD THE SOVIETS RESPONSIBLE FOR CARRYING OUT THEIR OBLIGATIONS WITH REGARD TO BERLIN.

5. THE INITIAL REACTION OF THE SOVIET OFFICIALS WHO RECEIVED THE ALLIED PROTESTS WAS TO MINIMIZE THE IMPORTANCE OF THE NEW GDR VISA REGULATIONS. THEY ALSO ASSURED THE ALLIES THAT THEIR MILITARY PERSONNEL AND OFFICIALS WOULD NOT BE AFFECTED BY THE STEPS WHICH THE GDR HAD TAKEN. AT THE SAME TIME THEY ASSERTED THAT "GREATER BERLIN" HAD CEASED TO EXIST LONG AGO, THAT EAST BERLIN WAS AN INTEGRAL PART OF THE GDR, AND THAT THE QA APPLIED ONLY TO WEST BERLIN. IN CONCLUSION THEY REASSURED THE ALLIES THAT THE SOVIET UNION HAD NO DESIRE FOR COMPLICATIONS OR MISUNDERSTANDINGS WITH THEM ABOUT BERLIN.

ANALYSIS

6. IN ALL BERLIN MATTERS IT IS THE GRADUAL EROSION OF THE STATUS OF THE CITY WHICH IS DANGEROUS. ANY STEP TAKEN BY THE OTHER SIDE MAY SEEM AT FIRST SIGHT OF LITTLE PRACTICAL CONSEQUENCE, AND IN OBJECTING TO IT THE ALLIES MAY THEREFORE APPEAR TO BE PURSUING PURELY LEGAL POINTS. BUT THE VIABILITY OF THE WESTERN PART OF THE CITY, ACCESS TO IT AND ITS TIES WITH THE FEDERAL REPUBLIC OF GERMANY ARE IN THE LAST RESORT
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CONFIDENTIAL

PAGE 03 BONN 00654 03 OF 05 122018Z

ALL PLACED IN JEOPARDY IF THE STATUS OF THE CITY IS CALLED INTO QUESTION.

7. THE LONG TERM EAST GERMAN OBJECTIVE IN RESPECT OF THE EASTERN SECTOR OF BERLIN REMAINS TO INCORPORATE IT AS COMPLETELY AS THE RUSSIANS WILL PERMIT WITHIN THE GDR. THE SOVIET ATTITUDE PROBABLY REMAINS ONE OF MORE RESTRAINT: THE PRESENT STATUS OF THE EASTERN SECTOR GIVES THEM CERTAIN LEVERAGE WITH EAST GERMANS AND THEY PROBABLY CALCULATE THAT TOO SUDDEN A CHANGE COULD PREJUDICE THE GAINS THEY SEEK FROM THEIR WESTPOLITIK AND THEIR EXPLOITATION OF DETENTE.

8. IN PURSUIT OF THEIR OBJECTIVE, EAST GERMAN POLICY IS TO REMOVE, AGAIN TO THE EXTENT THAT THE RUSSIANS WILL ALLOW THEM, THE REMAINING VISIBLE AND LEGAL SIGNS OF DISTINCTION BETWEEN THE EASTERN SECTOR OF BERLIN AND THE TERRITORY OF THE GDR. IN ADDITION TO REMOVING THE CHECKPOINTS WHICH EXISTED UNTIL THE BEGINNING OF JANUARY THIS YEAR (ALTHOUGH THEY HAD BEEN IN RECENT YEARS ONLY SPARSELY MANNED AND NOT ALWAYS BY RUSSIANS), THE GDR HAS RECENTLY TAKEN THE FOLLOWING ADDITIONAL STEPS:

(I) THE MAYOR OF EAST BERLIN WAS ELECTED TO THE COUNCIL OF MINISTERS OF THE GDR IN 1974, PRESUMABLY EX-OFFICIO, AND WAS REELECTED IN OCTOBER 1976. HIS REELECTION AS A MEMBER OF THE COUNCIL OF MINISTERS RELATES SPECIFICALLY TO HIS FUNCTION AS MAYOR.

(II) A NEW ELECTORAL LAW PASSED IN JUNE 1976

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 BONN 00654 04 OF 05 122019Z
ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00
CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 ACDA-07 TRSE-00 SAJ-01 OMB-01
IO-13 SCA-01 VO-03 EB-07 /085 W
-----122037Z 021573 /44

O R 122000Z JAN 77
FM AMEMBASSY BONN
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AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 04 OF 05 BONN 00654

DROPPED THE USE OF THE SPECIAL TERM "REPRESENTATIVE"
FOR THE EAST BERLIN DELEGATES APPOINTED (NOT ELECTED)
TO THE VOLKSKAMMER OF THE GDR. ALSO, EAST BERLIN
DELEGATES NO LONGER HAVE A SPECIAL IDENTITY CARD.

(III) GDR GUARDS AT THE BOUNDARY BETWEEN THE
EASTERN SECTOR OF BERLIN AND THE WESTERN SECTORS NOW
WEAR ARMBANDS SAYING "BORDER TROOPS OF THE GDR."

(IV) THE "GAZETTE FOR GREATER BERLIN," IN WHICH
LEGISLATION PASSED BY THE VOLKSKAMMER AND TAKEN OVER
BY EAST BERLIN HAS TRADITIONALLY BEEN PUBLISHED, HAS
NOT APPEARED SINCE BEFORE THE LAST ELECTIONS TO THE
VOLKSKAMMER IN OCTOBER. DISCONTINUATION OF ITS
PUBLICATION HAS NOT YET BEEN DEFINITELY CONFIRMED,
BUT THE MFA OF THE GDR HAS CONFIDENTIALLY ADMITTED
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BONN 00654 04 OF 05 122019Z

THAT IT IS BEING CONSIDERED.

9. THE INTRODUCTION OF ADDITIONAL VISA REQUIREMENTS
FOR FOREIGNERS IS A SEPARATE ISSUE. WE OBJECTED TO
THE GDR ACTION BECAUSE:

(I) ANY RESTRICTION CONTRADICTS THE PRINCIPLE OF FREEDOM OF MOVEMENT WITHIN GREATER BERLIN (THE REGIME WHICH WE APPLY TO VISITORS FROM EAST BERLIN WAS MARKEDLY MORE LIBERAL, EVEN BEFORE THE GDR INTRODUCED THE NEW RESTRICTIONS); AND

(II) THE GDR ACTION IS OF SUCH A KIND THAT IT COULD EASILY PRESAGE EVEN MORE UNACCEPTABLE STEPS.

NEVERTHELESS, BECAUSE THE CHANGE IN THE VISA LAW MERELY ADDED TO RESTRICTIONS WHICH ALREADY EXISTED, THE THRUST OF OUR PROTEST WAS DIRECTED MORE TO THE UNACCEPTABLE STATEMENT ABOUT THE STATUS OF BERLIN WHICH ACCOMPANIED THE NEW MEASURES THAN TO THE MEASURES THEMSELVES.

10. THE DECISION OF THE ALLIES TO PROTEST, AND THE TONE OF THEIR PROTEST, WAS THUS DETERMINED NOT ONLY BY THE SERIOUS VIEW THEY TOOK OF WHAT THE GDR, WITH RUSSIAN CONNIVANCE OR APPROVAL, HAD DONE, BUT BY FEARS THAT THE RUSSIANS MIGHT BE PLANNING, UNLESS DETERRED BY A FIRM ALLIED REACTION, TO PERMIT THE GDR TO REMOVE FURTHER, AND POSSIBLY THE LAST REMAINING, EVIDENCE THAT THEY RECOGNIZE THE STATUS OF BERLIN. THIS EVIDENCE INCLUDES:

(I) THE PROVISION FOR EAST BERLIN TO DELEGATE BUT NOT TO ELECT REPRESENTATIVES TO THE VOLKSKAMMER;

(II) DISTINCT VISA REQUIREMENTS FOR EAST BERLIN
CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BONN 00654 04 OF 05 122019Z

AND FOR THE GDR;

(III) THE FREE MOVEMENT OF ALLIED TRAFFIC THROUGHOUT THE CITY; AND

(IV) THE CONTINUED FUNCTIONING OF THE FOUR-POWER BERLIN CONTROL ZONE FOR AIR TRAFFIC.

ON (I) THE NATURAL MOMENT TO INTRODUCE RADICAL CHANGE, HAD THIS BEEN INTENDED, WOULD HAVE BEEN WHEN THE NEW ELECTORAL LAW WAS PASSED IN JUNE. THIS LAW DID NOT

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CONFIDENTIAL

PAGE 01 BONN 00654 05 OF 05 122020Z
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INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00
CIAE-00 DODE-00 PM-04 H-01 INR-07 L-03 NSAE-00 NSC-05
PA-01 PRS-01 SP-02 SS-15 ACDA-07 TRSE-00 SAJ-01 OMB-01
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AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 05 OF 05 BONN 00654

IN FACT ALTER THE PROVISION THAT EAST BERLIN REPRESENTA-
TIVES SHOULD BE DELEGATED TO THE VOLKSKAMMER AND IT IS
DIFFICULT TO SEE HOW THIS CHANGE COULD BE BROUGHT
ABOUT MUCH BEFORE THE NEXT GENERAL ELECTION IN 1980.
ON (II) THE MEASURES INTRODUCED ON 1 JANUARY, THOUGH
DOUBTLESS AIMED IN PART AT MITIGATING WHAT THE GDR
SAW AS A SOCIAL PROBLEM, WOULD BE A CONVENIENT
FIRST STEP IF THE GDR INTENDED TO TREAT THE SECTOR
BOUNDARY EXACTLY AS ITS NATIONAL FRONTIER FOR
PURPOSES OF IMMIGRATION AND CUSTOMS CONTROL.
ON (III) WE HAVE A RENEWED SOVIET ASSURANCE THAT THERE
IS NO INTENTION TO CHANGE THE STATUS QUO. AT THE
MOMENT WE ARE INCLINED TO ACCEPT THIS ASSURANCE,
DESPITE RELATIVELY MINOR DIFFICULTIES ABOUT DOCUMENTA-
TION. ON (IV) WE HAVE RECEIVED NO INDICATION THAT THE
SOVIETS INTEND TO INTERFERE WITH THE PRESENT REGIME.
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PAGE 02 BONN 00654 05 OF 05 122020Z

11. THE PURPOSE OF THE ALLIED STATEMENT AND PROTEST
WAS TO MAKE CLEAR THE SERIOUSNESS WITH WHICH THE
ALLIES VIEW RECENT DEVELOPMENTS AND TO DISSUADE THE

SOVIETS FROM PERMITTING ANY FURTHER EROSION IN THE
DIRECTIONS INDICATED IN THE ABOVE
PARAGRAPH.

END TEXT

6. ACTION REQUESTED: THAT THE DEPARTMENT APPROVE
THE ABOVE TEXT AND AUTHORIZE USNATO TO COORDINATE
WITH UK, FRENCH AND FRG DELEGATIONS ON ITS
PRESENTATION TO THE NAC.
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